

Message Text

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NEA/INS: JAMES NACH

OES/ENP/EN: J GRANT BURKE

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FM SECSTATE WASHDC

TO AMCONSUL BOMBAY PRIORITY

LIMITED OFFICIAL USE STATE 079655

E.O. 11652: N/A

TAGS: TBIO, SENV, US, IN

SUBJECT: ENFORCEMENT OF WILDLIFE LAWS

REFERENCES: (A) STATE 057772, (B) NEW DELHI 3926,
(C) BOMBAY 0739

1. REQUEST AMCONSUL CONTACT M. S. PURI, JOINT CHIEF
CONTROLLER OF IMPORTS AND EXPORTS, BOMBAY CUSTOMS.

2. IN ANSWER TO QUESTIONS IN PARAGRAPH 2 AND 3 REFERENCE
(C), ADVISE MR. PURI THAT THE LACEY ACT (18 USC 43) PRO-
HIBITS THE TRANSPORTATION, RECEIPT, OR SALE IN INTERSTATE
OR FOREIGN COMMERCE OF ANY WILDLIFE TAKEN, TRANSPORTED, OR
SOLD IN VIOLATION OF THE LAWS OF ANY FOREIGN COUNTRY.
THEREFORE, IF THE REPTILES IN PARAGRAPH 3, REFERENCE (A)
WERE TAKEN OR EXPORTED IN VIOLATION OF THE LAWS OF INDIA,
THAN THE UNITED STATES GOVERNMENT CAN PROSECUTE THOSE
PERSONS SUBJECT TO UNITED STATES JURISDICTION WHO WERE
INVOLVED. THE PURPOSE OF THE LACEY ACT IS TO ELIMINATE THE
UNITED STATES MARKET FOR ILLEGAL WILDLIFE.

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3. IN ORDER TO SUCCESSFULLY PROSECUTE OFFENDERS UNDER THE LACEY ACT, IN UNITED STATES COURTS, THE UNITED STATES GOVERNMENT MUST PROVE (A) THE EXISTENCE OF THE FOREIGN LAW WHICH WAS VIOLATED AND (B) THE FACT THAT THIS FOREIGN LAW

WAS VIOLATED, AS WELL AS THE OTHER ELEMENTS OF THE OFFENSE, WHICH GENERALLY DO NOT REQUIRE ASSISTANCE FROM FOREIGN GOVERNMENTS.

4. IN THE INVESTIGATION IN QUESTION IT IS NECESSARY TO HAVE THE INFORMATION REQUESTED PARAGRAPH 4, REFERENCE (A) BEFORE IT CAN BE DETERMINED IF UNITED STATES LAW HAS BEEN VIOLATED. IF A VIOLATION HAS OCCURRED, THE UNITED STATES GOVERNMENT IS ONLY INTERESTED IN PROSECUTING THOSE PERSONS SUBJECT TO UNITED STATES JURISDICTION WHO HAVE VIOLATED UNITED STATES LAW.

5. IF AMCONSUL IS ABLE TO OBTAIN THE INFORMATION REQUESTED IN PARAGRAPH 4, REFERENCE (A), AMCONSUL IS REQUESTED TO EXEMPLIFY THAT INFORMATION SO THAT IT MAY BE PRESENTED AS EVIDENCE IN UNITED STATES COURTS. REFERENCE IS MADE TO PROCEDURES OUTLINED IN 7 FAM 834.

6. PLEASE PASS REPLY TO T. L. STRIEGLER, DIVISION OF LAW ENFORCEMENT, U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR. KISSINGER

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